



Room 3416, Federal Building
700 West Capitol Avenue
Little Rock, AR 72201

FACT SHEET

CERTIFIED WETLAND DETERMINATIONS

Certified wetland determinations offer landowners the assurance of final wetland determinations based on the wetland types on their lands. A certified determination will not change for USDA purposes as long as the site remains in agricultural use (if no violations occur). The Natural Resources Conservation Service makes certified wetland determinations/delineations upon written request.

Certification of Previous Wetland Determinations/Delineations

Previous wetland determinations/delineations should be certified because:

- ☐ Landowners are entitled to certified wetland determinations under the 1996 Farm Bill.
- ☐ Certified wetland determinations are recognized by USDA and the U.S. Army Corps of Engineers for the Food Security Act and Section 404 of the Clean Water Act.
- ☐ Some previous determinations are inadequate under current laws and regulations.

Obtaining Wetland

Determinations/Delineations

Requests must be made in writing (*form NRCS-CPA-38*). Since certified determinations are now valid for the Clean Water Act, it is important landowners have accurate determinations based on available technology and tools. Landowners planning to fill, drain, level, clear or manipulate areas on their land should ask for certified determinations/delineations to maintain USDA eligibility and compliance with the Clean Water Act.

Prior to land manipulation or land clearing, USDA farm program participants must complete a revised form AD-1026 at the Farm Service Agency office and request a certified wetland determination (*form NRCS-CPA-38*). NRCS will provide a certified wetland determination and advice about

planned activities. Landowners may also obtain wetland determinations/delineations without any immediate plans for activity in or around a wetland.

All wetland determinations will be provided in writing. Landowners may appeal determinations, provided no appeal has previously been filed for the determination in question.

Small Pockets & Narrow Bands Determinations/Delineations

Wetland determinations are made for a whole tract of land, including small pockets, narrow bands and other nonagricultural areas; however, some areas may be labeled "Not Inventoried" if the landowner does not plan manipulation on portions of the tract. The landowner should contact the USDA office if future manipulations are planned.

Technical Errors

If NRCS discovers a technical error in a previous determination, the landowner will be informed of the error and given the opportunity to request a corrected determination.

For More Information

NRCS, FSA, Cooperative Extension Service and Conservation Districts can provide more information. USDA Service Centers are listed in the telephone book under U.S. Department of Agriculture. Information is also available on NRCS's Internet site: <http://www.nrcs.usda.gov>.

Notice: *This information is based on the Interim Final Rule for Highly Erodible Land and Wetland Conservation published in the Federal Register, September 6, 1996. This information is subject to change in the Final Rule. The rule can be viewed on the Internet: <http://www.nrcs.usda.gov>.*

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